

TESTIMONY

OF

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REGARDING

FOREIGN TERRORIST ACTIVITIES IN THE UNITED STATES

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Good morning, Mr. Chairman and distinguished members of the Subcommittee. I appreciate this opportunity to share with you the crucial role that the Immigration and Naturalization Service (INS) plays in preventing terrorists' activities inside the United States. INS's front-line effort in preventing terrorists from getting into the United States is at our land and sea borders and at airports. Although not nearly as obvious to the public as our border enforcement role, we are playing an increasingly significant role in efforts to identify, detain, and remove individuals once they are already here.

As you know, the bombing of the World Trade Center was a wake-up call to the law enforcement and intelligence community. INS moved from working in an ad-hoc manner with other members of the law enforcement and intelligence communities to a more formalized partnership. INS is invaluable to the government's efforts against international terrorism and foreign terrorists who attempt to cross or are found within our borders. INS is the government agency responsible for controlling the entry of aliens into the United States, and detaining and removing aliens who have entered contrary to our laws. With this substantial authority, we can help our partners in the counterterrorism battle to prevent, prosecute, remove and keep out these threats to the nation.

INS was given specific new authorities through legislation passed by Congress in the last several years. For example, the Immigration Act of 1990 gave INS authority to exclude, arrest and deport aliens involved in a variety of terrorist activities. The INS counterterrorism authority again was enhanced in 1996 through enactment of the Antiterrorism and Effective Death Penalty Act (AEDPA) and the Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA).

Both laws amended the Immigration and Nationality Act (INA) to provide specific criminal and administrative removal provisions directly concerning alien terrorists and their supporters. These new tools also clarified the Congressional expectation that INS must play a larger and increasingly critical role in counterterrorism activities.

To this end, INS has established a new office within the Service specifically for Counterterrorism. The purpose is to coordinate counterterrorism efforts within INS, and between INS and other law enforcement agencies and the intelligence community. In that capacity, we plan to: coordinate the Service's investigative efforts; oversee the leads we are given; and serve as an advocate for officers in the field to ensure they have access to the tools and information they need to do their jobs. And finally, it is our intention to ensure that this office makes clear to other agencies our authorities and capacities so that they more fully utilize our expertise.

Today I will outline for you the tools we have at our disposal to address this critical task and the tools we need, as well as give an overview of the results of our efforts to date. You will hear much about our heightened awareness and more effective programs as a part of the larger Federal efforts. But, I must add two cautionary notes: first, we recognize that the United States, its citizens, businesses and endeavors are at increasing risk, worldwide. Terrorism experts predict that the tide has not yet turned. Second, there is much yet to be done by the INS, and we are aware of this. We are committed to further and systematic strengthening of INS's effectiveness in the counterterrorism arena.

One of the dilemmas for this agency is that, as a country, we advocate the free and open exchange of ideas, commodities, and, within the context of law, peoples. In our efforts to screen the nearly 500 million persons who arrive yearly at over 200 ports of entry, we are obliged to balance the twin goals of facilitating legitimate travel and comprehensive enforcement. It sometimes occurs that, despite our best efforts--and those of many other Federal inspectional and enforcement agencies--individuals enter who are later revealed to be terrorists or otherwise inimical to the national security or public safety. We are working diligently with the FBI and other agencies, through Joint Terrorism Task Forces (JTTFs) and similar programs, to develop a post-entry backstop in the investigative arena, so that these individuals may be quickly identified and preempted through arrest and prosecution, or through removal from the United States as quickly as possible.

Let me turn to border management issues. In the last several years, I believe our prevention efforts have been significantly strengthened at our first line of defense against the illegal entry of aliens and against terrorists who might consider entering the country surreptitiously at the borders themselves.

Of course, I cannot vouchsafe to you that our borders are sealed against any and all attempts at illegal entry. I can, though, state that the window of opportunity for such entries is now more limited than it has ever been in the history of the INS, or indeed, the country.

The dramatic increase in INS personnel, from border patrol agents at the Southwest

border to inspectors at our ports, has helped tremendously in apprehending illegal crossers and individuals with fraudulent documents trying to enter the United States.

BORDER MANAGEMENT

For international terrorists to enter the United States from abroad, they must either come into contact with Federal officials controlling the entry of aliens, or actively attempt to avoid them. As a consequence, alien terrorists who enter or attempt to enter the U.S. inevitably come into contact with INS or, by avoiding or deceiving the INS to gain entry, must violate immigration laws.

As you are well aware, both the INS's Inspections and Border Patrol divisions have undergone unprecedented growth nationwide over the past three years. Our goal is to have almost 4,700 Immigration Inspectors and 7,900 Border Patrol Agents on duty by the end of 1998. Added resources including personnel, equipment and technology provided by Congress have enabled us to substantially tighten border enforcement at air, sea and land Ports-of-Entry (POEs), and between the land borders of the United States. The Service's border enforcement goals are clear: deter illegal immigration and alien smuggling; apprehend terrorists, criminals and drug traffickers; and facilitate the entry of bona fide immigrants and nonimmigrants through the ports of entry.

A. Southwest Border: Control of the Southwest border, as you know, remains the top

enforcement priority for the INS. The Congress and the Administration continue to work in providing the INS with the resources necessary to support an enforcement strategy that is making a difference now and will continue to do so in the future. This strategy has been highly successful in restoring the rule of law to the most heavily trafficked portions of the Southwest border.

B. U.S.-Canadian Border: The INS, with the tremendous cooperation of Canadian Inspections agencies and the Royal Canadian Mounted Police, is keeping a close watch on our border to the North. Although apprehension figures of illegal entries at the Canadian border are still small when compared to the southwest border, the Canadian border is an alternative gateway for illegal entry to the United States. In 1996, illegal immigrants from 118 countries attempted illegal entry into the United States from Canada.

C. Other U.S. Ports of Entry: As I mentioned earlier in my testimony, INS Officers annually inspect and admit almost 500 million persons. Of those, nearly two-thirds are non-citizens. This number poses a significant challenge for our inspecting officers. Along our nation's borders, Inspectors daily encounter individuals attempting to enter the United States by disguising their true identities with false documentation. However, the INS has stepped up efforts to deter immigration violators of every type and kind at U.S. ports of entry. For instance, in 1996, INS Inspectors identified 622,749 inadmissible aliens.

ALIEN SMUGGLING:

The challenges in meeting the multi-faceted alien smuggling threat are large. We must constantly reassess and adjust our enforcement and geographic strategies. The INS is attacking smuggling organizations at all levels in source and transit countries; at our borders; and within the interior. Priority is given to targeting major smuggling organizations that transport illegal aliens across our international borders. Investigative operations also target use of fraudulent and counterfeit travel documents. These bogus documents are the hallmarks of sophisticated smugglers.

As INS border enforcement efforts make it tougher to enter the United States illegally, increasingly border-crossers are relying on alien smugglers. Alien smuggling reaches far beyond our borders with Mexico and Canada to the Caribbean, all regions of the globe and deep within the interior of the United States itself. Just one week ago today, Border Patrol Agents and maritime police intercepted a 40' yola in the waters of the Mona Pass between Puerto Rico and the Dominican Republic. Among the 48 illegal aliens found aboard the boat were four Pakistanis and two Afghans, who were part of an international smuggling venture.

As part of our border enforcement efforts, the INS is giving priority to locating, arresting, and prosecuting traffickers in human beings, here and abroad. Alien smuggling is a growing, multi-billion dollar global business. Some authorities have described it as "the crime of the twenty-first century." Smugglers daily move thousands of illegal migrants from source countries, through transit countries, to the North American Continent, and within the United States. The

fees for just one migrant can range as high as \$50,000 -- for instance, for Chinese nationals.

Individual terrorists have been known to use established smuggling routes in their attempts to enter the U.S. and to assist the entry of their associates. Gazi Ibrahim ABU MEZER, the alien arrested with pipe bombs in his possession in New York City last year, was apprehended by INS for having made several attempts at illegal entry in the company of others along known smuggling routes in the Northwestern border between Canada and the United States. Although never conclusively established, he was suspected of involvement in alien smuggling activities by the Royal Canadian Mounted Police.

Terrorist organizations sometimes use established crime syndicates to smuggle, or provide fraudulent travel documents for, their leaders, members and associates. With their infrastructure of support and financing, terrorist organizations can purchase the services of the very best smugglers and lithographers -- witness the many travel documents used by the notorious Carlos the Jackal. Terrorist group members arrested by the INS and other law enforcement agencies in the past have revealed that, at some point in their journey to the United States, smuggling syndicates were used, often for the purchase of counterfeit or altered passports and visas. Terrorists use false documents to bypass the necessity of procuring a visa, and thereby avoid overseas scrutiny of their identities, affiliations or right to enter the U.S. by State Department consular officers. Thus, INS efforts to infiltrate and dismantle smuggling syndicates within the U.S. and at our borders aids in the interdiction of terrorists and disruption of their efforts to enter our country whether surreptitiously or by possession of bogus documents.

As is true within our borders, the interdiction of terrorists can also be greatly facilitated abroad, by dismantling migrant smuggling syndicates and disrupting established routes, in both source and transit countries. In June 1997, INS increased its overseas enforcement efforts by opening 13 new offices and assigning more officers to combat migrant trafficking by organized crime syndicates and terrorist organizations in an initiative called Operation Global Reach. In doing so, INS substantially enhanced the number of criminal investigators and intelligence analysts posted overseas to work on deterring migrant trafficking in source and transit countries.

Strengthening and complementing Global Reach is the Carrier Consultant Program, mandated by Section 124 of IIRIRA. This program increases INS's overseas effectiveness in reducing illegal migration to this country by training airline and other carrier personnel to identify inadmissible aliens on the basis of their documents. Pursuant to statute, a minimum of 5% of the agency's user fee funding (approximately \$18 million) will be used for training and assistance in the detection of fraudulent documents.

The early indicators are that INS's enlarged overseas presence has enhanced the efforts of foreign governments to stop migrant trafficking within or through their borders. For instance, on February 3rd, the government of Guinea, West Africa detained 190 Sri Lankan nationals who arrived at the port of Conakry and were awaiting a smuggling vessel to transport them to the United States and Canada. On-site INS personnel, working with the Guinea government, interviewed the Sri Lankans, who claimed to have paid between \$4,000 and \$15,000 in U.S.

dollar equivalency, to be smuggled from their homeland. In a joint effort aimed at deterring human trafficking at the global level, the Department of State, INS, and representatives of the Canadian government worked to coordinate the repatriation of these individuals. By agreement with the government of Senegal, on February 10th the smuggled aliens were sent to Dakar, for detention in that country pending arrangements by the U.S. and Canada for transportation and repatriation to Sri Lanka.

Organized crime syndicates and international terrorist organizations are known to use alien smuggling operations to support and further their criminal objectives. Alien smuggling operations run by such organizations also provide a ready source of funds and result in criminal money laundering violations. These operations facilitate the movement of criminals and terrorists into the United States, as well as the illegal entry of large numbers of simply undocumented aliens from a variety of different countries.

IMPROVED INFRASTRUCTURE

In addition to new enforcement personnel and offices overseas, in the last several years, INS has improved its computer infrastructure to better support the various lookout databases we rely on to identify individuals suspected or known to have terrorist ties. The Service maintains detailed records on millions of aliens. These records have often proven invaluable to terrorist-related investigations.

A. The INS Forensic Document Laboratory (FDL): The FDL specializes in the forensic examination of travel documents, visas and other identity documents -- documents that are critical to the international terrorist. The FDL maintains an expert analytical staff with extensive liaison and cooperative arrangements with the document-issuing authorities of foreign governments. These INS capabilities provide crucial support mechanisms in the U.S. Government's counterterrorism efforts.

B. National Automated Immigration Lookout System (NAILS) An additional tool used by the INS, which is shared with other agencies under specific conditions, is our lookout system and its components. The INS makes a major contribution to the federal enforcement inventory of lookout records and related information through its National Automated Immigration Lookout System (NAILS). We create lookouts for several categories of individuals, including nonimmigrant aliens or lawful permanent residents who may be removable from the United States under provisions of the Immigration and Nationality Act, and also for individuals who are of interest to other agencies.

During primary inspections at U.S. POEs, officers access NAILS and other databases through the Interagency Border Inspection System, or IBIS. Government agencies contributing to IBIS share border security and related law enforcement information, enabling Inspectors to access their databases through the IBIS platform. Thus, Immigration Inspectors have instant access to a broad range of information that can be used to identify and process individuals who may be removable from the United States or subject to some other enforcement action by another

agency. An example of the effectiveness of this system can be seen in the case of Mousa Mohammed ABU MARZOOK. MARZOOK was intercepted at JFK airport as the result of a lookout based on his membership in, and leadership of, a terrorist organization. In subsequent proceedings, MARZOOK entered into a stipulated agreement which resulted in his relinquishment of permanent residence, and exclusion and deportation from the United States on May 5, 1997.

C. TIPOFF: NAILS is also the repository for lookout information generated by the State Department's TIPOFF system, maintained by the Bureau of Intelligence and Research. TIPOFF is a classified database containing records on individuals who have been identified as probably or definitely involved in terrorist activities by the intelligence community. The data composing the records is assembled by member agencies of the intelligence community, known collectively as information "proprietary." The INS is the lead agency for responding to TIPOFF matches at POEs throughout the United States. Immigration Inspectors at POEs who encounter the subject of a TIPOFF lookout first notify the INS point of contact. The INS contact, in turn, communicates with the specific proprietor of information relating to the subject identified in the lookout, to determine how much information that agency is willing to share, in order to provide INS the cause required to detain and initiate removal proceedings against the individual. The individual who is identified as a TIPOFF "hit" is then processed in light of that assessment, or through any independent information and cause the officer is able to obtain from his or her own inspection, questioning, or search of the individual.

D. Visa Waiver Pilot Program (VWPP): The Visa Waiver Pilot Program (VWPP), which began in 1988, permits nationals from designated countries, who are not otherwise inadmissible, to visit the United States for business or pleasure, for up to 90 days, without obtaining a nonimmigrant visa. Over 50% of the nonimmigrant visitors who enter the U.S. at air or sea ports-of-entry (POEs), apply for admission under the VWPP. In 1996, the latest year for which statistics are presently available, over 12 million visitors entered under the VWPP.

Eligibility criteria for a country participating in the VWPP includes low visa refusal rates, machine-readable passport requirements, and reciprocity agreements for U.S. citizens. The 26 designated VWPP countries as of September 1997 are: Andorra, Argentina, Australia, Austria, Belgium, Brunei, Denmark, Finland, France, Germany, Ireland, Iceland, Italy, Japan, Liechtenstein, Luxembourg, Monaco, Netherlands, New Zealand, Norway, San Marino, Slovenia, Spain, Sweden, Switzerland, and the United Kingdom.

Since its inception, the VWPP has been a source of debate because of its dual nature, that of facilitation and enforcement. On the facilitative side, the VWPP eliminates the need for certain nonimmigrant visas to visit the U.S.; encourages and facilitates the entry of millions of visitors from those 26 participating countries to the U.S. every year, thus providing significant economic benefits to the U.S. tourism and other related industries; and it has enabled DOS to reallocate resources to other critical areas. On the enforcement side, INS has a concern that the VWPP has contributed to the general problem of document fraud encountered by immigration officers at U.S. POEs and in the interior of the U.S. Because this hearing is on Federal

counterterrorism efforts, my comments today focus solely on the aspects of the program that are problematic to INS enforcement, and the singular area in which it benefits LNS enforcement.

The VWPP is advantageous to the prospective illegal entrant in the same way it is for the legitimate VWPP traveler: entry to the U.S. can be achieved with nothing but a valid passport. The waiver of the visa requirement eliminates a major component in document fraud: the need for additional alterations and/or counterfeiting of the visa that would otherwise be placed in the passport, thereby making the fraud more difficult, since both the visa and passport would need to be altered or counterfeited. Absent this additional component, passports of the 26 VWPP countries have become extremely valuable to smugglers and counterfeiters and a flourishing trade has developed in passports of VWPP countries by non-VWPP nationals seeking illegal entry into the U.S.

While I have recounted concerns that attend the VWPP, there is also a singular, and highly effective enforcement aspect to the program as well: individuals who enter the U.S. under the VWPP voluntarily surrender their right to apply for most forms of relief and to certain procedural steps, including a hearing before an immigration judge, unless they request asylum. Thus, it is significantly easier to remove illegal VWPP entrants who are apprehended afterward in violation of the program's limiting terms and conditions.

INTERIOR ENFORCEMENT

We have increased our ability to prevent illegal entry at and between POEs and by doing so, have narrowed the window of opportunity for terrorists. At the same time, we have also expanded our capacities to respond to the terrorists challenge within our borders. Just as Al Capone was ultimately jailed for tax evasion and not for any organized crime charges, INS violations help fill out the federal arsenal of tools to combat terrorism.

Terrorist group members and their associates almost of necessity must violate U.S. immigration and nationality laws to effect entry into—or to remain in--our country; this is their Achilles heel. We have discussed the fact that they are smuggled, and they smuggle their colleagues into, the United States. But, they also materially misrepresent themselves in applying for visas or other benefits; they manufacture and use false identity documents; they submit frivolous asylum applications; they engage in sham marriages; and they commit a host of other immigration-related violations.

A. INS Special Agents: There are at present approximately 2,000 INS Special Agents nationwide who conduct investigations into the full spectrum of violations within our jurisdiction. Their duties include matters involving anti-smuggling, alien-related organized crime, and terrorism. Our Special Agents, by the nature of their investigative duties, routinely interact with various communities within the United States. We know that terrorists have many faces and come from many backgrounds. Sadly, terrorism is an international phenomenon. It is not restricted to any nationality, sex, religion, or educational level. Therefore, we develop numerous sources of information and confidential informants in many communities, to deprive

alien terrorists, whenever and wherever possible, with the opportunity to seek cover in these otherwise law-abiding communities.

INS Special Agents, working closely with the FBI and other agencies, serve the national security by proactively investigating and targeting known terrorists, terrorist organization leaders, members, and associates. Criminal and administrative prosecutions for immigration violations are highly effective tools to penetrate and disrupt their organizations. When we target these individuals, we concurrently gather an abundance of intelligence information that can make a positive impact in subsequent investigations and which supports the efforts of other agencies within the Federal intelligence community.

I would like to give the subcommittee a few examples:

Just one month ago, after being confronted with his membership in a Department of State-designated terrorist organization during an application for INS benefits, a member of the Mujahedeen-e-Khalq departed the United States rather than face detention and removal proceedings.

About six weeks ago, an East European hijacker who had entered the U.S. by first concealing, and then misrepresenting, his conviction for air piracy accepted an order of deportation and was removed to his country of nationality.

In August of last year, two brothers believed to be members of a proscribed terrorist organization were arrested by INS agents and charged with criminal violations for engaging in marriage fraud to obtain their “green cards.” Their cases are still pending with the United States District Court.

Attached as an appendix to this testimony for the record, I have provided the Subcommittee with additional selected highlights of recent cases conducted by the LNS.

B. Joint Terrorism Task Forces (JTTFs): The Federal government recognizes that the most effective means in combating terrorism within the United States is through a multi-agency approach, drawing on the investigative expertise and authorities of a host of law enforcement agencies in addition to the FBI. INS Special Agents working with the FBI’s Joint Terrorism Task Forces (JTTFs) have played a significant role in recent terrorist investigations nationwide. As a part of Fiscal Year 1997 enhancements, INS deployed 24 full-time Special Agents and 7 support positions to the JTTFs. Others join in investigative activities on a case-by-case basis. INS has also requested 15 additional Special Agents and another support position in the FY 1999 budget.

C. Other Liaison: The INS has also assigned three Special Agents and an Intelligence Analyst full-time to FBI Headquarters’ International Terrorism Operations Section. Two additional INS Special Agents are assigned full-time to the CIA’s Counterterrorism Center. The Service has requested 15 more Special Agents and one support position for assignment to JTTFs for FY 1999.

OTHER TOOLS. CAPABILITIES AND OPPORTUNITIES:

A. New Laws: The AEDPA and IIRIRA substantially enhanced the statutory authority of INS to target aliens supporting or directly involved in terrorist activities. For example, the alien smuggling statute specifically prohibits aiding and abetting, or conspiring to assist, alien terrorists or subversives to enter the United States and contains a penalty of 10 years imprisonment. Also enhanced to a 20-year minimum sentence, is the penalty for passport and visa fraud violations if committed in conjunction with, or in support of, a terrorist activity.

Also, by making certain violations of immigration law predicates for racketeering charges, for real property forfeiture, for electronic interception, and for upward revision of federal sentencing guidelines, these 1996 statutes greatly enhanced the INS law enforcement officers' ability and authority to contribute to the national counterterrorism effort. The new law has amended the Federal Government's authority to intercept wire, oral or electronic communications, to now include felony violations of false identification documents, false statements in passport applications, fraud and misuse of visas, permits, and other documents, and alien smuggling. This tool is one of the most effective and valuable investigative techniques utilized in both criminal and national security investigative matters. By amending the wiretap statute to include these violations, Congress has recognized the magnitude and complexity of criminal alien smuggling and fraudulent document organizations.

Finally, the AEDPA and IIRIRA enhanced the removal provisions of the INA. The AEDPA created the Alien Terrorist Removal Court in which the government may use classified information in camera and ex parte to prove that an alien is deportable under the terrorist charge.

In addition, on October 8, 1997, the Secretary of State designated 30 organizations as foreign “terrorist organizations” under section 219 of the INA. This designation now allows the INS to deny admission to all “representatives” and certain “members” of these organizations.

B. CIPRIS: Section 641 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA) requires that the Attorney General, in consultation with the Secretary of State and the Secretary of Education, design and conduct a program for the collection of certain specified information from students and exchange visitors. Not later than January 1, 2002, the Attorney General must provide to the Committees on the Judiciary of the Senate and the House of Representatives a report on the operations of the program and the feasibility of expansion to cover the nationals of all countries in the United States on the F, M, or J visas. Finally, section 641 of IIRIRA calls for completion of the expansion of the student information tracking program no later than one year after the report is submitted to the Congress.

By notice published in the Federal Register on January 17, 1997, the Service solicited participants for a pilot program to redesign and improve collection and reporting of information regarding foreign students and exchange visitors. The pilot, known as CIPRIS (Coordinated Interagency Partnership Regulating Students (and Scholars)) implements the requirements of

section 641.

The Service selected 22 schools or institutions as CIPRIS participants and the pilot was launched for the 1997 - 1998 academic year. The Service designed CIPRIS in partnership with the United States Information Agency (USIA), the Department of State (State), and the Department of Education to test the electronic collection and transmission of data between a pilot school and the Federal government. State, through its consular function, issues visas to qualified foreign students and exchange visitors and the USIA administers the J cultural exchange visitor program, including students and scholars using the J visa. Aliens classified for nonimmigrant visas under section 101(a)(15)(F), (M), or (J) of the Immigration and Nationality Act and in attendance at the 22 pilot schools constitute the CIPRIS test population.

Through CIPRIS, the Service is testing the transmission via the INTERNET of information concerning foreign students from the schools to the INS database. CIPRIS envisions access to this database by State and the USIA. The Service seeks to reduce the reporting burden for schools, improve the timeliness and accuracy of the information, and replace manual history files on foreign students and schools with electronic files.

Although the preliminary feedback from the CIPRIS pilot has been favorable, it is important to note that the present pilot system is not fully deployable. Rather, INS officials view it as a working module established to validate the concept. To that end, the INS is committed to completing a thorough and independent evaluation of the CIPRIS pilot project as we examine

solutions that are appropriate for deployment nationwide.

CHALLENGES

A. Database Integrity: One area where we need improvement is in the quality and timeliness of the information we enter into these critical databases. We are sensitive to the concerns expressed by Congress and others, particularly in two areas:

With regard to our oversight and control responsibilities toward the entry and stay in the U.S. of individuals from countries designated as state sponsors or supporters of terrorism; and, With regard to nonimmigrants who come to the U.S. to study or engage in endeavors that involve sensitive technologies.

The experience the INS has gained in implementing quality assurance procedures for other programs and systems will be useful in improving the information we gather and input from visitors and visa holders.

B. Information-sharing agreements: Existing information exchange protocols need to be strengthened between INS and agencies in possession of information relating to foreign terrorists. This is critical for three reasons:

1. To enhance the reliability of information within our databases;

2. To ensure that the INS possesses the evidence necessary to sustain charges against alien terrorists based on other agency information; and,
3. To avoid--through either inadvertence or lack of knowledge--granting entry to or bestowing benefits upon alien terrorists.

CASEWORK STATISTICS:

It is difficult to provide comprehensive statistics on the number of known or suspected terrorists under investigation, under proceedings, or removed from the United States, because there is no database or system that tracks solely those aliens who have been identified as being involved with terrorist activity. Instead, the INS must look to several indices that track by section of law charged, as well as to internal tracking systems.

However, these figures do not tell the whole story, and are in fact an undercount, simply because it is often necessary to charge known terrorists with other, non-terrorist violations of the immigration laws. Charging aliens as terrorists requires a substantial amount of proof, and the evidence is often classified. With the exception of the Alien Terrorist Removal Court, the INA precludes using classified evidence to prove the deportation charge; we are only able to present classified information to oppose discretionary relief, or to oppose withholding of deportation. Thus, when other violations are available and provable without classified evidence, the INS generally charges individuals with those violations instead. In the past two years, the INS has

presented classified evidence to oppose applications for relief in approximately 25 cases. With the above caveats in mind, our statistical system reflects that from Fiscal Year 1995 through the first quarter of FY 1998, the INS has removed 98 aliens on security and related charges:

Section of Law		Number of Removals
212 (a)(3)(A)(ii)	-- Excluded	5
212 (a)(3)(A)(ii)	-- Deported	3
212 (a)(3)(B)(I)(I)	-- Excluded	1
212 (a)(3)(A)(ii)	-- Deported	1
212 (a)(3)(B)(ii)(II)	-- Excluded	2
237 (a)(4)(B)	-- Removed	2
241 (a)(4)(A)(I)	-- Deported	8
241 (a)(4)(A)(ii)	-- Deported	22
241 (a)(4)(A)(iii)	- Deported	2
241 (a)(4)(B)	-- Deported	52
TOTAL		98

Because the INS does not have a method of tracking aliens involved in terrorist activity but who are charged under other provisions of law, we cannot provide you with that figure. Anecdotal information confirms that the INS has removed twelve terrorists in addition to those described in the table above. Furthermore, there are approximately 48 cases currently pending.

CONCLUSION

Mr. Chairman and Members of the Subcommittee, to recap: the experts make clear that terrorism will continue to be a threat to the safety and security to the United States, both domestically and on the international scene, for the foreseeable future.

As INS has shown, we have come a long way in increasing and honing our counterterrorism efforts in cooperation with, and as a partner of, the other Federal agencies. But, we also acknowledge that we need to improve our infrastructure in order to overcome the challenges facing our counterterrorism efforts. Thank you for the opportunity to have shared with you our role in this important area.

I will do my best to respond to any questions you may have regarding the endeavors of the Immigration and Naturalization Service in the Federal government's counterterrorism effort.